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09/974,927	10/10/2001	R. Donald Dervan	F-7914	1141

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EXAMINER

COLIN, CARL G

ART UNIT PAPER NUMBER

2136

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/974,927

Applicant(s)

DERVAN ET AL.

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/10/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

RD

## **DETAILED ACTION**

1. Pursuant to USC 131, claims 1-8 are presented for examination.

### ***Claim Objections***

- 1.1 Claim 6 is objected to because of the following informalities: page 35, line 1 should read “access to the computer system”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent..

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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2.1 **Claim 6** is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,684,335 to **Epstein, III et al.**

2.2 **As per claim 6, Epstein, III et al** discloses a method of providing access security to a computer system, which comprises the following method steps: providing a computer access security system enabled to allow or deny access to a computer (column 2, lines 28-40); initializing the computer access security system upon an initial system startup, by assigning personal access code numbers for each administrator of the computer access security system (column 16, line 26 through column 17, line 5 and column 10, lines 40-55), **Epstein, III et al** discloses assigning security level an administrator with a high security level can add persons with the same or lower security levels that meets the recitation of assigning an initial terminal security code (column 16, lines 26-41 and lines 60-67), **Epstein, III et al** discloses allocating limited access storage space receiving audit and access data (column 17, lines 6-20 and column 10, lines 55-65); upon receiving a request for administrator to access the computer system, prompting for user input of the personal access code number and subsequently verifying the personal access code number (column 16, lines 26-52 and column 10, lines 40-55); storing in the access storage space all successful and unsuccessful access attempts and accesses to the computer system (column 17, lines 6-20 and column 10, lines 55-65); and **Epstein, III et al** discloses after initiation of the cell, users must log on to access it that meets the recitation of subsequent to the initial setup of the computer system, continuing with a sequence of operations starting with computer user login (column 16, lines 34-52).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1 **Claims 1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,684,335 to **Epstein, III et al.**

3.2 **As per claim 1, Epstein, III et al** substantially discloses a computer security system comprising a cell communication device that meets the recitation of a terminal security access device connected to a computer and configured to prohibit access to the computer upon detecting an unauthorized access attempt and to maintain data security and integrity on the computer (column 2, lines 1-40 and column 5, lines 30-48); said terminal security access device determining access to the computer by checking operations selected from the group consisting of passwords, fingerprint readers, biometric sensors, and electronic surveillance systems (column 10, lines 40-55); **Epstein, III et al** also discloses said terminal security access device maintaining data security by embedding encrypted security codes with the data (column 8, line

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42 through column 9, line 13), and suggests transferring data in encrypted form at all times (column 6, lines 7-15) and enable transfer of data with specific computer equipped with a similar security system (column 23, lines 25-50) that meets the recitation of exclusively encrypted form, and by enabling transfer of the data to another computer only if the other computer is equipped with a similar security system. **Epstein, III et al** does not explicitly disclose providing copies of data exclusively in encrypted form but suggests transmitting secured routing table information to other cell communication devices for updating (column 24, lines 45-63) that meets the recitation of copies of data. In another embodiment, **Epstein, III et al** suggests it may be desired that communications transmitted from one cell communication device to another to be encrypted for increased security (column 6, lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have all communications between the cells encrypted including routing table information transmitted to the other cells for updating; one skilled in the art would have been motivated to do so to increase security as suggested by **Epstein, III et al** (column 6, lines 10-15).

As per claim 2, **Epstein, III et al** discloses the limitation of wherein said terminal security access device comprises least one component having a self-destruct feature, such that when the self-destruct feature triggered, access computer is denied (column 5, lines 30-36).

As per claim 3, **Epstein, III et al** discloses the limitation of wherein computer is configured in one more networks (column 21, lines 25-35) and the system further comprises an added communications security system (column 8, lines 37-42).

As per claims 4-5, **Epstein, III et al** discloses a level of transferring data using encryption as one important aspect of the invention (see column 8, line 43 through column 9, line 25) and also discloses another level that implements self-destruction of devices coupled to a “destruct line” including modem (see figure 6) that meets the recitation of a second level formed with security-enhanced modems wherein security-enhanced modems are provided with at least one component having a self-destruct feature (column 8, lines 17-42).

4. **Claims 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,684,335 to **Epstein, III et al** in view of US Patent Publication US 2001/0004767 to **Gordon et al**.

As per claims 7-8, **Epstein, III et al** substantially discloses using multiple encryption algorithms and randomly selecting encryption techniques, for instance when data are transmitted a next time using a different encryption technique (column 8, lines 42-67). **Epstein, III et al** discloses encrypting all communications column 6, lines 30-38). In another embodiment **Epstein, III et al** discloses assigning temporary addresses and changing the addresses the next time the system is in communication with another system that also meets the recitation of changing identification number (column 18, lines 30-67). **Epstein, III et al** does not explicitly disclose periodically transmitting a new randomly generated terminal identification number. Periodically transmitting a random key, IP address, or a terminal identification number is well known in the art to avoid replay attack by an attacker. **Gordon et al** in an analogous art

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discloses information control distribution system wherein the terminal is assigned a new identification randomly on a periodic basis to ensure system security every time a session is started (column 3, lines 18-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the encryption process of transmitting data encrypted and changing terminal addresses as discussed with the process of **Gordon et al** of assigning unique terminal identification number and periodically changing the terminal identification number on a random basis to ensure system security as suggested by **Gordon et al** (column 3, lines 18-26 and column 6, lines 45-60). One skilled in the art would have been lead to make such a modification because it will prevent a user to keep track of which terminal is protected (ensuring system security as suggested by Gordon) and will add an additional security of preventing unauthorized entity attempting to gain access to the network to reinforce the teaching of **Epstein, III et al** column 2, lines 28-33.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses some of the claimed features of preventing access to a network.

US Patents: 6,636,983 Levi; 6,182,223 Rawson ; 6,292,899 McBride ;  
5,974,149 Leppek ; 4,847,834 Bryant.

5.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Carl Colin

Patent Examiner

June 9, 2005

